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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,944	09/15/2005	Toshiharu Yanagida	SONYJP 3.3-1026	7565
530 7590 08/08/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER KOVAL, MELISSA J	
			ART UNIT 2862	PAPER NUMBER
			MAIL DATE 08/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,944	<b>Applicant(s)</b> YANAGIDA ET AL.	
	<b>Examiner</b> Melissa J. Koval	<b>Art Unit</b> 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>August 7, 2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 through 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakami U.S. Patent Application Publication US 2004/0141069 A1.

Refer to all embodiments and Figures.

Claim 1 sets forth: "The image pickup apparatus comprising:

photographic means for photographing a subject (digital still camera 12);

directory creation means for creating directories according to shooting situations selected from multiple predetermined types of shooting situations (Directories are first mentioned with respect to the fourth embodiment in sections [0035] and [0036]. Also consider the PC. The memory card MC referred to in section [0066] could serve to store many formats, JPEG, TIFF, RAW, BMP and GIF. And see Figures 2 and 9 through 11, for example.);

assigning means for assigning image data produced by the photographic means as a result of photography to the directories according to the selected shooting situations (See TAGS 2060 and Figure 8.);

attaching means for attaching identification information to the image data according to the selected shooting situations (See Applications APP0-2 and APP6, for example, as they correlate with Exit Tags.); and

storage means for storing the image data to which the identification information is attached, together with an application program of one or more specified applications so as to associate the image data with the applications (See sections [0073] through [0075]. More flowcharts are shown in Figures 12 through 14.).”

With respect to claims 2, 3, 5, 6 and 8 through 12, the limitations following “wherein” are interpreted as defining functional language and do not further limit the claim language of either dependent claim. See MPEP 2114. Said claims are rejected for the same reasons already applied to rejected claim 1.

Furthermore:

Claim 2 sets forth: “The image pickup apparatus according to claim 1, wherein, when desired ones of the shooting situations are selected, the assigning means assigns all image data obtained sequentially as a result of photography by the photographic means to directories corresponding to the shooting situations.” Sequential processing is discussed in sections [0031] and [0032]. Also see the GI data of Figure 6 and sections [0079] and [0080].

With respect to claims 3 and 4, a selection process is discussed in sections [0124] and [0125]. See thumbnail image data shown in Figure 7 and mentioned in section [0082]. Other thumbnail images are described throughout the teaching. A thumbnail is selected by the user and appears in synchronization with the selection. The user also selects a printed image.

With respect to claim 5, section [0129] suggests that a printed image includes information describing the time the image was obtained. Tags relating to time and date are shown in Figure 8, for example.

With respect to claim 6, many of the tags could be used to describe location as well as the makernote 2060c as shown in Figure 8.

The method steps described in claims 7 through 12 are met for the reasons already applied in the rejections above. Again, see the flowcharts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J. Koval whose telephone number is (571) 272-2121. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melissa Jan Koval  
Primary Examiner  
Art Unit 2862  
MJK

A handwritten signature in black ink, appearing to read 'Melissa Jan Koval', with a stylized flourish extending from the end.

MELISSA JAN KOVAL  
PRIMARY EXAMINER